IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.253 OF 2004

WITH

CIVIL APPLICATION NO.569 OF 2005

Nazir Yusuf Shaikh. ...Appellant.

Vs.

Mohammed aslam Sultan & Anr. ...Respondents.

.....

Ms.Bhavna Shah for the Appellant.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

December 19, 2005.

P.C. :

This appeal has been filed against an interlocutory order dated 2nd June 2003 passed by the Learned Trial Judge in the City Civil Court. Counsel appearing on behalf of the Appellant states that the suit is now ripe for trial and that the suit would be placed for ex-parte decree since no written statement is filed. The only relief which is sought is that it be clarified that the

observations contained in the impugned order are confined to the disposal of the application for ad-interim relief and shall not come in the way of the trial of the suit. In the circumstances, this appeal is disposed of with the clarification that the Learned Trial Judge should proceed with the trial of the suit uninfluenced by any of the observations contained in the impugned order which are confined only to the disposal of the application for ad-interim relief.

In view of the disposal of the appeal, the Civil Application does not survive and is accordingly disposed of.

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